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Attorney for Defendant
JASON CORBURIAN ORTIOLA

FILED
DISTRICT COURT OF GUAM
APR 27 2007
MARY L.M. MORAN
CLERK OF COURT

IN THE UNITED STATES DISTRICT COURT

FOR THE TERRITORY OF GUAM

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JASON CORBURIAN ORTIOLA,

Defendant.

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CRSM CASE NO. 05-00047
CIVIL CASE NO. 06-00037

MOTION FOR CERTIFICATE OF
APPEALABILITY

MOTION FOR CERTIFICATE OF APPEALABILITY

COMES NOW the defendant, Jason Corburian Ortiola, through counsel, Richard P. Arens, Assistant Federal Public Defender, and moves this Honorable Court to issue a certificate of appealability pursuant to the provisions of 28 U.S.C. § 2253, Fed. R. App. P. 22(b), and Ninth Circuit Rule 22-1, in order that he may take such appeal from judgment entered on April 18, 2007, denying Petitioner's petition for a writ of habeas corpus. This motion is made on the ground that Petitioner has made a substantial showing of the denial of a constitutional right. Specifically, that Petitioner was denied his right to effective assistance of counsel as a result of counsel's failure to

ascertain whether Petitioner sought to appeal the sentence imposed.

DATED: Mongmong, Guam, April 27, 2007.

A handwritten signature in black ink, appearing to read "Richard P. Arens", written over a horizontal line.

RICHARD P. ARENS

Attorney for Defendant

JASON CORBURIAN ORTIOLA

CERTIFICATE OF SERVICE

I, RENATE A. DOEHL, hereby certify that a true and exact copy of the foregoing document was filed with U.S. District Court and electronically served by the U.S. District Court Clerk's Office to the following on April 27, 2007:

KARON V. JOHNSON
Assistant United States Attorney
Sirena Plaza
108 Hernan Cortez, Ste. 500
Hagatna, Guam 96910

Attorney for Plaintiff
UNITED STATES OF AMERICA

DATED: Mongmong, Guam, April 27, 2007.

A handwritten signature in dark ink, appearing to read 'R. Doehl', is written over a horizontal line.

RENATE A. DOEHL
Operations Administrator

RICHARD P. ARENS
Attorney for Defendant
Jason Corburian Ortiola